



State of Arizona  
Department of Education

Thomas Horne  
Superintendent of  
Public Instruction

## MEMORANDUM

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To: Special Education Directors  
Preschool Coordinators  
AzEIP Early Intervention Providers

**SPED 03-25**

From: Lynn Busenbark, Ph.D.  
Director of Program Support  
Exceptional Student Services

Date: April 1, 2003

Subject: Transition from early intervention to preschool

In light of the upcoming reauthorization of the IDEA, the Arizona Early Intervention Program (AzEIP) and the Arizona Department of Education (ADE) have elected to extend the current interagency agreement related to the transition of children from AzEIP into district-operated preschool programs for one additional year. The current agreement has created some challenges in the area of providing a free appropriate public education (FAPE) by age 3 therefore, the following clarification is provided to early intervention providers and school district administrators to ensure the State meets its legal obligations under the IDEA.

The primary concern is the language in the agreement related to the "logical school transition period". This language was included in the original agreement to ensure that multiple programmatic changes did not negatively impact children approaching their 3<sup>rd</sup> birthday. However, the implementation of the agreement has resulted in some children remaining in early intervention far beyond their 3<sup>rd</sup> birthday even when it was appropriate for the school district to assume responsibility. In some instances, transition conferences have not been scheduled by AzEIP staff in a timely manner because the anticipated transition date was not imminent. In other instances, some districts have wrongly interpreted the agreement to mean that they were not obligated to evaluate a child, develop an IEP, and offer services prior to the child's 3<sup>rd</sup> birthday.

This memorandum is to clarify the procedures that will be implemented for the extension of the agreement.

- Regardless of the time of the year, a transition conference must be held when an AzEIP child is between the ages of 2 years, 6 months and 2 years, 9 months. AzEIP service coordinators are responsible for arranging this conference and school district staff are required to attend.
- The evaluation of a child for eligibility for preschool under the IDEA shall be conducted as identified in the transition agreement and shall be completed prior to the child's 3<sup>rd</sup> birthday.

- The evaluation shall be conducted in accordance with IDEA and shall include a review of existing data and a determination of the need for the collection of additional data.
- It is recommended that the review of existing data and, if required, parental consent for additional data, be completed at the transition conference.
- The eligibility determination shall be conducted as identified in the transition agreement.
- The IEP/IFSP development shall be conducted as identified in the transition agreement and shall be completed no later than one month prior to the child's 3<sup>rd</sup> birthday in order to ensure FAPE by age three.
  - Extended school year (ESY) services must be considered at each IEP meeting, however it is essential that thorough consideration be given to ESY when the transition of the child is imminent during the spring of the school year.
  - Consideration of ESY shall follow federal and state requirements and information from AzEIP shall be taken into consideration when making the determination.
- For the majority of children, it is appropriate for the school district to assume responsibility for the provision of FAPE on or before the child's 3<sup>rd</sup> birthday. In a few instances, the IEP/IFSP team may determine that a transition by the 3<sup>rd</sup> birthday will be harmful to the child and that the existing program through AzEIP provides appropriate educational services at no cost to the family.
  - In accordance with the transition agreement, **any** change in services or program required to ensure FAPE on or after a child's 3<sup>rd</sup> birthday would necessitate the school district assuming responsibility for the provision of services. Examples of such changes include the addition of a related service, a change in service providers by AzEIP, or the child's readiness for a center-based program.
  - Should AzEIP subsequently convene a meeting in anticipation of revising such a child's IFSP, the school district must be invited and must participate.

Therefore, the vast majority of AzEIP children should be served by the school district by their 3<sup>rd</sup> birthday. Attached to this memo is the current transition agreement. Please review this information with your staff responsible for ensure the appropriate implementation of the transition requirements.

Questions regarding this memo or the agreement should be directed to:

For preschool, Cheryl Blackwell at (602) 542-5448

For AzEIP, Molly Dries at (602) 532-9960